

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. KEITH RAY PAUL

Docket No. 4:12-CR-42-1BR

Petition for Action on Supervised Release

COMES NOW Josh J. Cantafio, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Keith Ray Paul, who, upon an earlier plea of guilty to Possession of a Stolen Firearm, 18 U.S.C. §§ 922(j) and 924, and Possession of a Firearm in Furtherance of a Drug-Trafficking Crime, 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on May 13, 2013, to the custody of the Bureau of Prisons for a total term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a total term of 5 years.

Keith Ray Paul was released from custody on February 4, 2015, at which time the term of supervised release commenced.

On February 16, 2016, a Violation Report was filed with the court advising that on November 27, 2015, the defendant had been charged in Pamlico County, North Carolina, with Intoxicated and Disruptive (15CR50768). The case remains pending. Inasmuch as Paul had enrolled in substance abuse counseling, the court agreed with the probation officer's recommendation to take no action and continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On March 3, 2016, a trooper with the North Carolina Highway Patrol (NCHP) arrested and charged Paul in Pamlico County with Driving While Impaired (16CR050094) and Reckless Driving to Endanger (16CR700113). He was released from custody on the same date under a personal recognizance bond. On March 2, 2016, the NCHP was called to the scene of a hit and run accident. When the trooper arrived, he encountered two vehicles which had been damaged. One car was unoccupied while the other vehicle had one occupant who was uninjured. Beneath the impact site at the rear of one of the damaged vehicles, the trooper observed a concentration of radiator fluid which was determined to be from the vehicle that caused the accident. The trooper subsequently followed the trail of radiator fluid to Paul's residence. Paul's vehicle had a broken radiator and was parked outside of his home. Additionally, damaged vehicle parts from the hit and run accident matched Paul's vehicle. Law enforcement also observed that the airbag inside Paul's vehicle had deployed. When law enforcement made contact with Paul at his front door, Paul had a cut on his forehead, consistent with an injury sustained after deployment of an airbag. Paul could not explain how he sustained the cut on his forehead and denied being involved in an accident. Paul was ultimately administered a breathalyzer which revealed a blood alcohol content score of .19. Paul admitted to the undersigned probation officer that he consumed alcohol on March 2, 2016, and operated his vehicle in a reckless manner, causing the accident described above. As sanctions for Paul's conduct, it is respectfully recommended that his supervised release be modified to include alcohol abstinence and 7 days of confinement. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 7 consecutive days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Josh J. Cantafio
Josh J. Cantafio
U.S. Probation Officer
413 Middle Street, Room 304
New Bern, NC 28560-4930
Phone: 252-638-4944
Executed On: March 25, 2016

ORDER OF THE COURT

Considered and ordered this 29 day of March, 2016 and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

